

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

CHAD M. BUBRICK,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	5:09-CV-13 (CAR)
	:	
WDN. DAVID FRAZIER et. al.,	:	
	:	
Defendants.	:	

***ORDER ON THE UNITED STATES MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION***

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 22] that Plaintiff's *pro se* Complaint be dismissed for failure to abide by the Court's orders directing Plaintiff to file a recast complaint in accordance with the Court's instruction. Plaintiff filed an Objection [Doc. 25] to the Recommendation. Having carefully considered the Recommendation, Plaintiff's Objection, and the relevant case law, the Court agrees with the Recommendation that Plaintiff's Complaint should be DISMISSED without prejudice. Therefore, the Recommendation is **HEREBY ADOPTED AND MADE THE ORDER OF THE COURT.**

Despite his contentions otherwise, Plaintiff has repeatedly failed to comply with the Magistrate Judge's orders to file a recast complaint in accordance with the Court's specific instructions. Plaintiff alleges that he has, in fact, complied with the Court's instructions. In his Objection, Plaintiff alludes to "statement of facts 1-45" and "exhibits A-P" [Doc. 25, §5] of a recast complaint he apparently thinks he filed with this court.

However, no such complaint exists in this record. Although Plaintiff did, in fact, file an amended complaint [Doc. 17], this complaint in no way complied with the Court's specific instructions as to the information Plaintiff needed to provide. Plaintiff's amended complaint merely modified the relief sought from two million to four million dollars, made a clerical correction to the official title of defendant DAVID BUTTS, and added warden JO HUNDING as a fourth defendant.

Although courts are bound to liberally construe *pro se* pleadings, *pro se* complainants must comply with procedural requirements and court orders. McNeil v. United States, 508 U.S. 106, 113 S.Ct. 1980, 1984, 124 L.Ed.2d 21 (1993). If a party fails to comply with Court orders, the Court may dismiss the complaint. Fed. R. Civ. P. 41. This Court gave Plaintiff ample opportunity to comply with the Court's orders to file a recast complaint. Plaintiff was instructed to provide a recast complaint on March 17, 2009, and again on March 31, 2009. Plaintiff, however, in plain disregard of the Court's orders, failed to comply.

In his Objection, Plaintiff also contends that Defendants' motion for more definite statement is void and therefore claims he was not obligated to file a recast complaint. Plaintiff's contention, however, is without merit. Both the Defendants' motion and the Magistrate Court's Order for more definite statement are consistent with the Federal Rule of Civil Procedure Rule 12(e). Rule 12(e) does not require meticulous detail for alleged claims, but does allow defendants the ability to move for a more definite statement of a pleading when the statement is so vague or ambiguous that the

defendant may not reasonably prepare a response. As detailed in the Court's orders, Plaintiff's complaint and amended complaint fail to specify the nature of his medical problems, actions, or omissions by each defendant, and the specific consequences of being denied medical care. Without such information Defendants cannot reasonably be expected to prepare a responsive pleading. Thus, the Court ordered Plaintiff to file a recast complaint and specified the information which needed to be included in the recast complaint. Since Plaintiff has failed to comply with this Court's previous orders to file a recast complaint in accordance with the Court's specific directives, Plaintiff's Complaint is hereby **DISMISSED without prejudice.**

Accordingly, the United States Magistrate Judge's Recommendation [Doc. 22] is **HEREBY ADOPTED AND MADE THE ORDER OF THE COURT.**

SO ORDERED, this 22nd day of June, 2009.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

SMF/SSH